

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|--------------------------------------|---|-------------------------------------|
| ----- | X | |
| | : | |
| PROGRESSIVE CASUALTY INSURANCE CO., | : | |
| | : | <u>POST-CONFERENCE ORDER</u> |
| Plaintiff, | : | |
| -against- | : | 18 Civ. 7923 (AKH) |
| | : | |
| FEATHERSTONE FOODS INC., D.J. | : | |
| SANTIAGO-RODRIGUZ, SACKO DELIVERY | : | |
| & TRUCKING INC., MARGARET L. HERZOG, | : | |
| and BRIAN ROHMAN, | : | |
| Defendants. | : | |
| ----- | X | |

ALVIN K. HELLERSTEIN, U.S.D.J.:

On February 3, 2022 I held a final pre-trial conference with the parties. As stated on the record, I ordered the following:

1. The parties shall brief whether Defendants are entitled to trial by jury. In my order dated October 18, 2019, I cited *(American) Lumbermens Mut. Cas. Co. of Illinois v. Timms & Howard*, 108 F.2d 497, 499 (2d Cir. 1939), but that case concerned advisory juries and findings of fact made by the district court. Thus, the parties shall address whether the instant action is one at law or one at equity. Each side's brief is due by 12:00 p.m. on February 9, 2022.
2. By 12:00 p.m. on February 9, 2022, each side shall submit a proposed form of declaration that details the relief to which it would be entitled if it prevails in this action.
3. By 12:00 p.m. on February 9, 2022, the parties shall submit jointly a statement of facts to be read to the jury, along with an alphabetized list of people and places for use during *voir dire*.

4. By 12:00 p.m. on February 9, 2022, the parties shall submit a revised proposed joint pre-trial order that reflects the rulings I made during the pre-trial conference.
5. The parties shall submit a copy of the summary judgment order in the underlying dispute finding Defendants Featherstone Foods, Sacko, and DJ Santiago Rodriguez jointly and severally liable for the injuries of Defendants Herzog and Rohman.

SO ORDERED.

Dated: February 3, 2022
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge